



AF 1A
PATENT APPLICATION
#13
6-28-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of

Tokunori KATO et al.

Application No.: 09/266,922

On Appeal from Group: 2622

Filed: March 12, 1999

Examiner: J. Pokrzywa

For: COMMUNICATION TERMINAL APPARATUS AND METHOD

Docket No.: 102460

APPEAL BRIEF TRANSMITTAL AND PETITION FOR EXTENSION OF TIME
RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JUN 26 2003

Technology Center 2600

Sir:

Attached hereto are three (3) copies of our Brief on Appeal in the above-identified application. Also attached hereto is our Check No. 143488 in payment of the Brief fee under 37 C.F.R. 1.17(f) of Three Hundred Twenty Dollars (\$320.00).

The shortened statutory period having expired May 24, 2003, it is hereby requested that the period for response be extended for one month. Included in our check is the amount of \$110 in payment of the fee for a one month extension of time for filing this brief.

In the event of any underpayment or overpayment, please debit or credit our Deposit Account No. 15-0461 as needed in order to effect proper filing of this Brief. For the convenience of the Finance Division, two additional copies of this transmittal letter are attached.

06/26/2003 DTESSM1 00000032 09266922

02 FC:1251

110.00 OP

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:SMS/sxb
Date: June 24, 2003

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

PATENT APPLICATION



#14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of:

Tokunori KATO et al.

Application No.: 09/266,922

Filed: March 12, 1999

For: COMMUNICATION TERMINAL APPARATUS AND METHOD

On Appeal from
Group Art Unit: 2622

Examiner: J. Pokrzywa

Docket No.: 102460

RECEIVED

JUN 26 2003

Technology Center 2600

BRIEF ON APPEAL

06/26/2003 DTESEM1 00000032 09266922

01 FC:1402

320.00 DP

Appeal from Group 2622

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400
Attorneys for Appellants

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
A. Real Party in Interest.....	1
B. Statement of Related Appeals and Interferences	1
C. Status of Claims	1
D. Status of Amendments	1
II. SUMMARY OF THE INVENTION	2
III. THE APPLIED REFERENCES	7
A. U.S. Patent No. 6,333,702 to Hiyokawa et al. (Hiyokawa)	7
IV. ISSUES AND REJECTIONS	8
V. GROUPING OF THE CLAIMS ON APPEAL	8
VI. ARGUMENT	9
A. Law Regarding Factual Inquiries to Anticipation.....	9
B. Detailed Argument.....	10
1. Group I, Claim 1	10
2. Group II, Claim 2	14
3. Group III, Claims 3 and 4.....	15
4. Group IV, Claims 5 and 6	16
5. Group V, Claim 7	17
6. Group VI, Claim 8.....	20
7. Group VII, Claim 9	21
8. Group VIII, Claims 10 and 11	21
9. Group IX, Claims 12	22
10. Group X, Claim 13	26
11. Group XI, Claims 14 and 15	27
12. Group XII, Claim 16	28

RECEIVED

JUN 26 2003

Technology Center 2600

13. Group XIII, Claim 17	29
14. Group XIV, Claim 18.....	32
15. Group XV, Claim 19	33
16. Group XVI, Claim 20.....	33
17. Group XVII, Claims 21-24.....	34
VII. CONCLUSION.....	35
APPENDIX.....	A-1

RECEIVED

JUN 26 2003

Technology Center 2600



I. INTRODUCTION

This is an appeal from a Final Rejection mailed October 22, 2002, final ~~REJECTION~~ REJECTING

claims 1-24 of the above-identified application. No claims are allowed.

JUN 26 2003

A. Real Party in Interest

Technology Center 2600

The real party in interest for this appeal is Brother Kogyo Kabushiki Kaisha, by way of an assignment recorded in the U.S. Patent and Trademark Office at Reel 9820, Frame 0196.

B. Statement of Related Appeals and Interferences

There are presently no appeals or interferences, known to Appellants, Appellants' representatives or the Assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

C. Status of Claims

Claims 1-24 are pending. Claims 1-24 stand rejected and are on appeal. All of claims 1-24 are set forth in the attached Appendix A. Claim 1 is independent. Claims 2, 5 and 6 depend directly from claim 1 and claims 3, 4 and 21 depend directly from claim 2 and indirectly from claim 1. Claim 7 is independent. Claims 8-11 depend directly from claim 7 and claim 22 depends directly from claim 8 and indirectly from claim 7. Claim 12 is independent. Claims 13 and 16 depend directly from claim 12 and claims 14, 15 and 23 depend directly from claim 13 and indirectly from claim 12. Claim 17 is independent. Claims 18-20 depend directly from claim 17 and claim 24 depends directly from claim 18 and indirectly from claim 17.

D. Status of Amendments

The Amendment filed August 1, 2002 is the last Amendment which has been entered. Claims 1, 7, 12, 17 and 21-24 are found in the August 1, 2002 Amendment. Claims 2-6, 8-11, 13-16 and 18-20 are originally filed claims, which have not been amended. All claims

have been entered of record. A Request for Reconsideration after Final Rejection was filed on March 5, 2003 and considered by the Examiner.

II. SUMMARY OF THE INVENTION

The application is directed to a communication terminal apparatus with a non-volatile storage device. Parameters related to a plurality of geographical divisions and areas can be selected and stored in the non-volatile storage device.

Conventionally, facsimile machines, wireless telephones, etc. (i.e., communication terminal apparatuses) are used in a plurality of countries or areas (i.e., geographical divisions) in order to send and/or receive communication signals. However, different geographical divisions have different communication standards and specifications (i.e., parameters). For example, different geographical divisions use different telephone exchanges. Each communication terminal apparatus for export to a different geographical division thus needs to be modified separately for the importing geographical divisions in order to comply with the communication standards.

Traditionally, during the production of a communication terminal apparatus, a non-volatile memory is set to only store specific parameters for a specific importing geographical division. The non-volatile memory is then installed into the communication terminal apparatus. However, the parameters for the communication terminal apparatuses that include such a non-volatile memory can not be changed for a different geographical division. Therefore, if the number of communication terminal apparatuses for export to a given geographical division is changed after a previously set number of communication terminal apparatuses for that geographical division have been produced, an excess inventory or a low inventory may occur.

To address these problems, the invention provides, in one embodiment, a communication terminal apparatus with a first memory that stores parameters for each of a

plurality of geographical divisions, a second memory and a control device that initializes the second memory on the basis of parameters for a selected geographical division, the parameters for the selected geographical division being read from the first memory.

A user can thus variably select the parameters for a particular geographical division after the communication terminal apparatus has been exported. The invention also provides a communication terminal apparatus wherein a main program of the communication terminal apparatus is prevented from starting before the parameters for a geographical division is selected from pre-stored parameters for a plurality of geographical divisions. In this way, the main program is not started on the basis of false parameters that are incorrectly set and, therefore, an error in setting the parameters or a failure to set the parameters can be prevented and the product quality can be improved.

As an example, as illustrated in Figs. 1-3, the communication terminal apparatus is a facsimile apparatus 1 with a control unit 17, a ROM 16 and an EEPROM 18.

The ROM 16 is a read-only non-volatile memory that stores parameters that correspond to the communication standards for a plurality of geographical divisions. The ROM 16 also stores a program for initializing the EEPROM 18 based on the selected parameters for a geographical division. Furthermore, the ROM 16 stores basic operation control programs for controlling a reading (or scanning) operation, a transmitting operation, a receiving operation, and a recording operation of the facsimile apparatus 1.

The EEPROM 18 is rewritable non-volatile memory that is capable of storing, at least, the parameters. When the parameters regarding a geographical division are selected and read from the ROM 16, The EEPROM 18 stores the parameters regarding the communication standards for the selected geographical division. Fig. 4 is an example of the parameters stored in the EEPROM 18. The parameters stored in the EEPROM 18 may

include geographical division-specific parameters that are specific to the geographical division and non-geographical division-specific parameters.

A geographical division-specific parameter may include a geographical division code T1, a user switch T5 which includes a switch for selecting whether to add a transmission cover sheet and a service person switch T6 which includes a switch for switching between a PB signal and a DP signal for transmission to a telephone line. A geographically division-specific parameter must be set for each geographical division.

Conversely, a non-geographical division-specific parameter is a parameter regarding data that is set specifically for a user of the facsimile apparatus 1. These parameters include parameters for a facsimile number T2, a user telephone number T3 and a single-key dialing number T4. The parameters normally remain unchanged for different geographical divisions.

Figs. 5-7 illustrate how the control unit 17 initializes the EEPROM 18 based on parameters for a selected geographical division, the parameters for the selected geographical division being read from the ROM 16. As shown in Fig. 5, after a valid geographical division code T1 has been entered, the control unit 17 proceeds to step S4 and Fig. 6 if a geographical division code T1 has not been previously stored in order to perform an entire area initialization of the EEPROM 18. During the entire area initialization, both geographically division-specific parameters and non-geographically division-specific parameters are written into the EEPROM 18. Conversely, if a geographical division code T1 has been previously stored, the control unit 17 proceeds to step S5 and Fig. 7 where a partial initialization of the EEPROM 18 is performed. During the partial area initialization, only geographically division-specific parameters are written into the EEPROM 18.

After initialization of the EEPROM 18, the facsimile apparatus 11 can then perform the regular functions of reading, transmitting, receiving and recording.

Applicants' invention is thus advantageous in that the control unit 17 initializes the EEPROM 18 on the basis of parameters for a geographical division read from the ROM 16. Therefore, the facsimile apparatus 11 of the invention makes it possible to change the parameters for the facsimile apparatus 11 regarding a geographical division even after the production of the facsimile apparatus 11. Also, since geographical division-specific parameters are stored into the EEPROM 18, it becomes possible to use the facsimile apparatus 11 in different geographical divisions having different communication standards and specifications. Since non-geographical division-specific parameters are also stored into the EEPROM 18, it becomes possible to set, for example, parameters convenient for use by each user.

The invention is also advantageous in reducing the time needed to store all the necessary parameters by determining whether to store both geographical division-specific parameters and non-geographical division-specific parameters. Applicants' invention is further advantageous in that if stored parameters need to be changed to parameters regarding another geographical division due to, for example, a change of the importing geographical division of the facsimile apparatus 11, the non-geographical division-specific parameters stored in the EEPROM 18 do not always need to be changed.

The invention also provides, in another embodiment, a communication terminal apparatus with a first specification storing device into which a plurality of specifications are pre-stored, a selector device that selects a selected specification from the first specification storing device, a second specification storing device that stores the specification selected by the selector device, a determining device that determines whether the specification stored in the second specification storing device is a predetermined specification and a control device that performs a control such that a main program starts, if the determining device determines

that the specification stored in the second specification storing device is the predetermined specification.

As an example, as illustrated in Figs. 8-10, the communication terminal apparatus is again a facsimile apparatus 101 with a control unit 117, a ROM 118A and an EEPROM 118B. The ROM 118A forms a first specification storing device that stores a plurality of specifications. Fig. 11 illustrates an example of the specifications stored in the ROM 118. The EEPROM 118B forms a second specification storing device that stores a selected specification. The control unit 117 forms a determining device that determines whether the specification selected by the selector device is a predetermined specification and performs a control to start a main program if the selected specification is the predetermined specification. The main program corresponding to the regular functions of reading, transmitting, receiving and recording.

Figs. 12 illustrates an example of a method for the control unit 117 in selecting the specification for a selected geographical division, storing the selected specification in the EEPROM 118B and thereafter running the main program. As described with Fig. 12, the control unit 117 executes a geographical division selecting program for reading from the ROM 118A the specification of an importing geographical division selected by a user, and thereafter stores the specification into the EEPROM 118B. After the specification of the designated importing geographical division has been properly read from the ROM 118A and stored into the EEPROM 118B, the control unit 117 starts the main program. The facsimile apparatus 101 then operates based on the specification stored in the EEPROM 118B.

Applicants' invention is thus further advantageous in that the facsimile apparatus 101 is reliably set to the specification of the designated importing geographical division, thereby allowing an improvement in the product quality. Furthermore, the facsimile apparatus 101

reliably prevents the main program from starting on the basis of a false specification that is incorrectly inputted.

III. THE APPLIED REFERENCE

A. U.S. Patent No. 6,333,702 to Hiyokawa et al. (Hiyokawa)

Hiyokawa discloses a navigation device that identifies a new guide road and an advantageous route when the present position of a vehicle deviates from an established guide route (Abstract). As shown in Fig. 1, Hiyokawa discloses a CPU 2, a flash memory 3, a RAM 4, and a data storage unit 38. The flash memory 3 stores a variety of processing programs executed by the CPU 2 and a variety of parameters required for the programs (col. 6, lines 3-5). The RAM 4 stores data input from external units, a variety of parameters used for the arithmetic operations, the operated results and programs for navigation (col. 6, lines 11-13).

The data storage unit 38 includes a data storage medium 37 which stores a program for navigation and data necessary for the navigation program (col. 7, line 51- col. 8, line 42). In the data storage medium 37 are stored navigation processing programs that are read from the data storage medium 37 and are written and stored in the flash memory 3 (col. 8, lines 1-8). The installation is automatically executed when the data storage medium 37 (1) is set on the navigation device, (2) when the power source is closed or (3) by an instruction by an operator (col. 8, lines 9-17). The data storage medium 37 also stores other data and programs necessary for the navigation operation (col. 8, lines 18-22). In accordance with the programs, the navigation operation is executed by using the road map data stored in the data storage medium 37 (col. 8, lines 22-25). The program for navigation is read from the data storage medium and is written into the flash memory 3 or the RAM 4 (col. 8, lines 25-28).

Fig. 6 is a flowchart showing the overall processing of the navigation device that is executed by the CPU 2. In the initialization processing, step 55, the program for navigation

is read from the data storage medium 37, copied onto the program region PL in the flash memory 3 or in the RAM 4, and is executed. Further, the data in the RAMs, such as the RAM 4, picture memory 10, etc. are cleared by the CPU 2 (col. 10, lines 37-43). Then, present position processing (step 50), destination-setting processing (step 51), route search processing (step 52), guide/display processing (step 53) and other processing (step 54) are executed cyclically in order to provide a map in order to navigate the vehicle (col. 10, lines 37-43).

The only discussion in Hiyokawa which refers to any type of initialization or storing of a predetermined specification in the flash memory 3, RAM 4 or other memory before executing the main program to determine a new route is limited to col. 8, lines 1-8 and col. 10, lines 37-43. Okita's invention is directed only to creating an alternative route and not the initialization of a memory or the selection of a specification before executing the main program.

IV. ISSUE AND REJECTION

The October 22, 2002 Office Action rejects claims 1-24 under 35 U.S.C. §102(e) as being anticipated over U.S. Patent No. 6,333,702 to Hiyokawa et al. ("Hiyokawa"). Thus the issue on appeal is whether claims 1-24 are anticipated by Hiyokawa.

V. GROUPING OF THE CLAIMS ON APPEAL

Each claim of the patent application is separately patentable, and upon issuance of a patent, will be entitled to a separate presumption of validity under 35 U.S.C. §282. For convenience and handling of this appeal, the claims are grouped as follows:

Group I, claim 1;

Group II, claim 2;

Group III, claims 3 and 4;

Group IV, claims 5 and 6;

Group V, claims 7;
Group VI, claim 8;
Group VII, claim 9;
Group VIII, claims 10 and 11;
Group IX, claim 12;
Group X, claim 13;
Group XI, claims 14 and 15;
Group XII, claim 16;
Group XIII, claim 17;
Group XIV, claim 18;
Group XV, claim 19;
Group XVI, claim 20; and
Group XVII, claims 21-24;

Each of these groups is separately patentable.

VI. ARGUMENT

A. Law Regarding Factual Inquiries to Determine Anticipation

A prior art reference anticipates the subject of a claim when the reference discloses every feature of the claimed invention, either explicitly or inherently (see, In re Paulsen, 30 F.3d 1475, 1478, 1479, 31 USPQ2d 1671, 1675 (Fed. Cir. 1994), In re Spada, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990), Hazani v. Int'l Trade Comm'n, 126 F.3d 1473, 1477, 44 USPQ2d 1358, 1361 (Fed. Cir. 1997); RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984); In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997) and Hazani v. Int'l Trade Comm'n, 126 F.3d 1473, 1477, 44 USPQ2d 1358, 1361 (Fed Cir. 1997). While, of course, it is possible that it is inherent in the operation of the prior art device that a particular element

operates as theorized in the Office Action, inherence may not be established by probabilities or possibilities. In re Oelrich, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981) and In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

It is well settled that the burden of establishing a *prima facie* case of anticipation resides with the Patent and Trademark Office (PTO). See, In re Piasecki, 745 F.2d 1468, 223 USPQ 785, 788 (Fed. Cir. 1984). When relying upon the theory of inherency, the Office Action must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. See, Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Int. 1990).

An inventor may choose to be his or her own lexicographer by defining, with reasonable clarity, deliberateness and precision, the specific terms used to describe his invention. In re Paulsen, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994). In this regard, words which are defined in the specification must be given the same meaning when used in a claim. McGill, Inc. v. John Zink Co., 736 F.2d 666, 674, 221 USPQ 944, 949 (Fed. Cir.), cert. denied, 469 U.S. 1037 (1984).

B. Detailed Argument

1. Group I, Claim 1

Group I, independent claim 1 recites a communication terminal apparatus comprising a first memory that stores parameters for each of a plurality of geographical divisions and at least one operation-control program, a second memory and a control device that initializes the second memory on the basis of parameters for a selected geographical division, the parameters for the selected geographical division being read from the first memory.

Hiyokawa first fails to disclose Applicant's claimed invention because Hiyokawa fails to initialize a second memory based on parameters for a selected geographical division.

Applicants first point out that when a memory is initialized, the memory is set to a starting position or value. Hiyokawa only performs two types initializations.

The first initialization occurs (1) when the data storage medium 37 is set onto the navigation device, (2) when the power source circuit of the navigation device is closed or (3) when instructed by an user (col. 8, lines 9-17). During this initialization, navigation processing programs and programs related to other processings, executed by the CPU 2, are read from the data storage medium 37 and are written into the flash memory 3 and are stored therein (col. 8, lines 1-8). No where in this passage of Hiyokawa is it disclosed to initialize the flash memory 3 or another memory based on parameters for a geographical division.

The second initialization occurs during the overall processing of the navigation device. The overall processing of Fig. 6 starts upon completing the power source circuit and ends when the power source circuit is shut off (col. 10, lines 29-36). During the overall processing, initialization processing only occurs once at step 55 (Fig. 6). During the initialization processing, the program for navigation is read from the data storage medium 37 and copied into the flash memory 3 and the RAM 4. Hiyokawa fails to disclose copying parameters for a geographical division or to initialize based on parameters for a geographical division. In fact, Hiyokawa removes any present geographical data (col. 10. lines 40-42, wherein data in the RAMs is cleared by the CPU 2).

Hiyokawa fails to disclose any other initialization because Hiyokawa fails to reset the flash memory 3, RAM 4 or any other memory to a starting position or value. As disclosed in Fig. 6, the remaining processes, steps 50-54, are cyclically performed in order to navigate the vehicle to a desired destination. During this navigation operation, specific geographic data is transferred to the flash memory 3 or the RAM 4 in order to display a guide route. The types of data transferred is discussed in col. 8, lines 18-38 and how this data is processed in order to provide a guide route is discussed starting at col. 10, line 47.

As alleged by the Examiner on page 3 of the Advisory Action, initialization occurs in col. 12, lines 34-43 of Hiyokawa when a new destination is set and the processes are executed to search a new guide route. However, the processing cited by the Examiner occurs in step 51 after initialization processing has been completed. The destination-setting processing step 51 does not perform initialization processing because the flash memory 3 and the RAM 4 are not set to a new starting position or value. Even if the flash memory 3 and RAM 4 was initialized at step 51 to a new starting position or value, the present position of the vehicle determined in step 50 would be erased in order to reset the flash memory 3 and RAM 4 to a new starting position or value. As such, the processing steps 52-54 could not be performed, and thus skipped, because the present position of the vehicle has been erased. It is neither disclosed, nor is there any logical reason in Hiyokawa to perform initialization at step 51 or at steps 50 and 52-54.

As alleged by the Examiner on page 3 of the Advisory Action, Hiyokawa teaches that the control device initializes the second memory on the basis of parameters for a selected geographical division on col. 8, lines 18-30. However, col. 8, lines 18-30 only illustrates the types of programs and data that are transferred from the data storage medium 37 to the flash memory 3 and the RAM 4. Col. 8, lines 18-30 fails to disclose when the programs and data are transferred.

Logically, Hiyokawa also fails to initialize the second memory on the basis of parameters for a selected geographical division. For the first initialization of Hiyokawa, navigation processing programs are read from the data storage medium (col. 8, lines 1-8). Assumingly, as broadly interpreted, Hiyokawa stores a plurality of geographical divisions in the data storage medium. However, Hiyokawa fails to select a particular geographical division. Naturally, Hiyokawa fails to disclose storing navigation processing programs in the

flash memory 3 based on a geographical division selected from a plurality of geographical divisions.

Similarly, during the second initialization in step 55 of Fig. 6, Hiyokawa fails to disclose selecting a geographical division from a plurality of geographical divisions. Hiyokawa only disclose starting the overall processing of Fig. 6 upon completing the power source circuit. Furthermore, Hiyokawa can not initialize their flash memory 3 or RAM 4 based on a selected geographical division during the initialization processing of step 55 because the location of the vehicle is not know until after performing the present position processing of step 50 and the user does not select a destination until the destination setting processing of step 51. Logically, Hiyokawa further fails to disclose initializing the second memory on the basis of parameters for a selected geographical division, the parameters for the selected geographical division being read from the first memory.

Hiyokawa assumingly understands that their navigation system can be used in a plurality of geographical divisions. Understanding this, Hiyokawa fails to provide any disclosure with regard to compensating for different parameters that exists in different geographical divisions. Therefore, Hiyokawa teaches away from initializing based on parameters for a selected geographical division.

Finally, Hiyokawa's invention is primarily directed to performing a navigation operation after performing initialization processing. Conversely, claim 1 is directed to initialization which is performed before a communication terminal apparatus operates (i.e., before reading, transmitting, receiving and recording). As such, Hiyokawa fails to disclose claim 1 because Hiyokawa is only concerned with an operation that occurs after claim 1.

There is no disclosure, and thus there is not basis to assert that Hiyokawa anticipates the features of claim 1 when Hiyokawa (1) fails to base an initialization based on a geographical division, (2) fails to select a geographical division from a plurality of

geographical divisions, (3) fails to disclose that different parameters can be used for different geographical divisions, and (4) is primarily concerned with an operation that occurs after initialization.

Thus, Hiyokawa fails to disclose each and every feature recited in claim 1. Therefore, Hiyokawa fails to anticipate the subject matter of claim 1. Accordingly, the rejection of claim 1 under 35 U.S.C. §103(a) as anticipated by Hiyokawa is improper and should be reversed.

2. Group II, Claim 2

Group II, claim 2 recites the communication terminal apparatus of claim 1, wherein the parameters for each of a plurality of geographical divisions include at least one of a geographical division-specific parameter and a non-geographical division-specific parameter for each of the plurality of geographical divisions.

As discussed above in paragraph VI. B. 1., Hiyokawa fails to disclose a control device that initializes the second memory on the basis of parameters for a selected geographical division, the parameters for the selected geographical division being read from the first memory.

Hiyokawa also fails to disclose that each of the plurality of geographical divisions include a geographical division-specific parameter and a non-geographical division-specific parameter. Hiyokawa arguably discloses a geographical division-specific parameter for each of their geographical divisions as each geographical division has a unique set of parameters. However, Hiyokawa does not include a non-geographical division-specific parameter for each geographical divisions. In other words, Hiyokawa only uses one processing program that is used for each of the geographical divisions. However, Hiyokawa fails to disclose repeatedly storing their processing program or storing their processing program for each of a plurality of geographical divisions. Hiyokawa thus fails to disclose a geographical division-

specific parameter and a non-geographical division-specific parameter for each of the plurality of geographical divisions.

Thus, Hiyokawa fails to disclose each and every feature recited in claim 2. Therefore, Hiyokawa fails to anticipate the subject matter of claim 2. Accordingly, the rejection of claim 2 under 35 U.S.C. §103(a) as anticipated by Hiyokawa is improper and should be reversed.

3. Group III, Claims 3 and 4

Group III, claim 3 recites the communication terminal apparatus of claim 2, wherein if no geographical division-specific parameter has been stored in the second memory, the control device reads at least one of a geographical division-specific parameter regarding the selected geographical division and a non-geographical division-specific parameter regarding the selected geographical division, from the first memory, and stores the at least one of a geographical division-specific parameter and the non-geographical division-specific parameter into the second memory. Group III, claim 4 recites the communication terminal apparatus of claim 2, wherein if at least one geographical division-specific parameter regarding a first geographical division has already been stored in the second memory and a second geographical division is selected, the control device reads at least one geographical division-specific parameter regarding the selected second geographical division from the first memory, and stores the at least one geographical division-specific parameter into the second memory.

As discussed above in paragraph VI. B. 1., Hiyokawa fails to disclose a control device that initializes the second memory on the basis of parameters for a selected geographical division, the parameters for the selected geographical division being read from the first memory. Also, as discussed above in paragraph VI. B. 2., Hiyokawa fails to discloses

including at least one of a geographical division-specific parameter and a non-geographical division-specific parameter for each of the plurality of geographical divisions.

Logically, Hiyokawa also fails to disclose determining if at least one geographical division-specific parameter regarding a first geographical division has already been stored in the second memory.

In the first initialization of Hiyokawa, the navigation processing programs are read from the data storage medium 37 and stored in the flash memory 3 (col. 8, lines 1-8). During the second initialization, the program for navigation is read from the data storage medium 37 and copied into the flash memory 3 or the RAM 4 (col. 10, lines 37-42). Nowhere in Hiyokawa is it disclosed, during initialization, to decide whether a particular parameter has been read from the data storage medium 37 and stored or copied into the flash memory 3 or the RAM 4. Naturally, nowhere is it disclosed in Hiyokawa to determine whether a geographical division-specific parameter and/or a non-geographical division-specific parameter should be stored or copied.

Thus, Hiyokawa fails to disclose each and every feature recited in claims 3 and 4. Therefore, Hiyokawa fails to anticipate the subject matter of claims 3 and 4. Accordingly, the rejection of claims 3 and 4 under 35 U.S.C. §103(a) as anticipated by Hiyokawa is improper and should be reversed.

4. Group IV, Claims 5 and 6

Group IV, claims 5 and 6 recite the communication terminal apparatus of claim 1, further comprising an input device that allows a user to rewrite parameters stored in the second memory, the parameters including a geographical division code and wherein the first memory is a read-only non-volatile memory and the second memory is a rewritable non-volatile memory, respectively.

As discussed above in paragraph VI. B. 1., Hiyokawa fails to disclose a control device that initializes the second memory on the basis of parameters for a selected geographical division, the parameters for the selected geographical division being read from the first memory.

Thus, Hiyokawa fails to disclose each and every feature recited in claims 5 and 6. Therefore, Hiyokawa fails to anticipate the subject matter of claims 5 and 6. Accordingly, the rejection of claims 5 and 6 under 35 U.S.C. §103(a) as anticipated by Hiyokawa is improper and should be reversed.

5. Group V, Claim 7

Group V, independent claim 7 recites a communication terminal apparatus comprising a first specification storing device into which a plurality of specifications and at least one operation-control program are pre-stored, a selector device that selects a selected specification from the first specification storing device, a second specification storing device that stores the specification selected by the selector device, a determining device that determines whether the specification stored in the second specification storing device is a predetermined specification and a control device that performs a control such that a main program starts, if the determining device determines that the specification stored in the second specification storing device is the predetermined specification.

Hiyokawa first fails to make a determination with respect to a specification before their main program starts. Hiyokawa is directed to a navigation device that determines an advantageous route (Abstract). In order to determine the advantageous route, Hiyokawa performs the overall processing of Fig. 6. The overall processing in Fig. 6 is thus the main program because the overall processing is used to achieve Hiyokawa's primary purpose in determining their advantages route.

Prior to performing the overall processing of Fig. 6, programs related to the overall processing are initially read from the data storage medium 37 and are written into the flash memory 3 (col. 8, lines 1-8). The programs are read from the data storage medium 37 (1) when the data storage medium 37 is set onto the navigation device, (2) when the power source circuit of the navigation device is closed or (3) when instructed by a user. In reading the programs, Hiyokawa fails to disclose any selecting of a particular program from a plurality of processing programs. Hiyokawa fails to disclose selecting a particular program because Hiyokawa only discloses one overall process for determining an advantageous route. Logically, Hiyokawa also fails to disclose determining if the processing program is a predetermined processing program or to control a start of a main program because Hiyokawa only discloses one program for determining an advantageous route.

Arguably, step 55 of the overall processing of Fig. 6 may be considered before the start of the main program because the primary purpose in determining the advantages route is performed in steps 50-54, which are cyclically performed. However, again, the initialization processing of step 55 only reads a program for navigation from the data storage medium 37 and copies the program into the flash memory 3 or the RAM 4. Again, Hiyokawa does not disclose a plurality of programs for navigation, selecting a predetermined program for navigation from a plurality of programs or controlling the start of a main program based on the selection of a predetermined specification because Hiyokawa only discloses one program for navigation.

Furthermore, the Examiner admits in his Advisory Action that steps 50-54 of Hiyokawa are the main program and that a determination is made after the main program starts. In particular, on page 4 of the Advisory Action, the Examiner asserts that Hiyokawa's CPU 2 performs a control such that a main program starts (as shown in Figs. 6 and 7 and as discussed on col. 11, line 12- col. 12, line 43) if the CPU 2 determines that the specification

stored in the flash memory 3 or RAM 4 is the predetermined specification (as discussed in col. 12, line 34 - col. 13, line 54). Using this logic, the CPU 2 determines that the specification stored in the flash memory 3 or RAM 4 is the predetermined specification beginning at col. 12, line 34 with step 52. Also, the main program is started beginning at col. 11, line 12 with step 51. As such, a determination is not made with regard to the predetermined specification before the main program starts at step 51 but after the main program starts at step 52. With this reasoning by the Examiner, Hiyokawa discloses the opposite of claim 7.

Col. 11, line 12 - col. 12, line 16 of Hiyokawa fails to make a determination as to whether a predetermined specification has been stored in order to cyclically proceed in steps 50-54. In step 50, for example, geographical coordinates of a destination desired by the user are set (col. 11, lines 12-15). However, as long as there are geographical coordinates, the operation proceeds to step 51. In other words, Hiyokawa only discloses that any coordinate is required and not a predetermined coordinate. This similar reasoning also applies to step 52 where the most suitable route is selected based on the position of the vehicle at that time, step 53 where any display of the guide route is selected based on the position of the vehicle at that time and step 54 where various user specified processing is performed. In these steps, any variable will allow the operation to proceed to any additional step and thus a determination as to whether a predetermined specification has been stored is not required.

Finally, Hiyokawa's invention is primarily directed to performing a navigation operation after a program has been input into the flash memory 3. Conversely, claim 7 is directed to selecting a predetermining specification before a communication terminal apparatus operates. As such, Hiyokawa fails to disclose claim 7 because Hiyokawa is only concerned with an operation that occurs after claim 7.

There is no disclosure, and thus there is no basis to assert that Hiyokawa anticipates the features of claim 7 when Hiyokawa (1) fails to select a specification before starting a main program, (2) fails to determine if the selected specification stored is the predetermined specification before starting the main program, and (3) is primarily concerned with an operation that occurs after selecting a predetermined specification.

Thus, Hiyokawa fails to disclose each and every feature recited in claim 7. Therefore, Hiyokawa fails to anticipate the subject matter of claim 7. Accordingly, the rejection of claim 7 under 35 U.S.C. §103(a) as anticipated by Hiyokawa is improper and should be reversed.

6. Group VI, Claim 8

Group VI, claim 8 recites the communication terminal apparatus of claim 7, wherein the specifications include at least one parameter regarding a communication in a geographical division.

As discussed above in paragraph VI. B. 5., Hiyokawa fails to disclose a control device that performs a control such that a main program starts, if the determining device determines that the specification stored in the second specification storage device is the predetermined specification.

Hiyokawa also fails to require that the specification include at least one parameter regarding a communication in a geographical division. Hiyokawa is directed to a navigational device that searches for an advantageous route. In searching for the advantageous route, data relating to the presentation of the map to be displayed to the user is obtained. Hiyokawa fails to disclose that the data relating to the presentation of the map also include data regarding a communication because Hiyokawa is not concerned with the sending or receiving of communication signals. Logically, Hiyokawa also fails to disclose requiring a predetermined communication signal in order to start their main program.

Thus, Hiyokawa fails to disclose each and every feature recited in claim 8. Therefore, Hiyokawa fails to anticipate the subject matter of claim 8. Accordingly, the rejection of claim 8 under 35 U.S.C. §103(a) as anticipated by Hiyokawa is improper and should be reversed.

7. Group VII, Claim 9

Group VII, claim 9 recites the communication terminal apparatus of claim 7, wherein the main program operates on the basis of the specification stored in the second specification storing device.

As discussed above in paragraph VI. B. 5., Hiyokawa fails to disclose a control device that performs a control such that a main program starts, if the determining device determines that the specification stored in the second specification storage device is the predetermined specification.

Thus, Hiyokawa fails to disclose each and every feature recited in claim 9. Therefore, Hiyokawa fails to anticipate the subject matter of claim 9. Accordingly, the rejection of claim 9 under 35 U.S.C. §103(a) as anticipated by Hiyokawa is improper and should be reversed.

8. Group VIII, Claims 10 and 11

Group VIII, claims 10 and 11 recites the communication terminal apparatus of claim 7, further comprising an output device that outputs a parameter of the specification stored in the second specification storing device and wherein the first specification storing device includes a read-only non-volatile memory, and the second specification storing device includes a re-writable non-volatile memory, respectively.

As discussed above in paragraph VI. B. 5., Hiyokawa fails to disclose a control device that performs a control such that a main program starts, if the determining device determines

that the specification stored in the second specification storage device is the predetermined specification.

Thus, Hiyokawa fails to disclose each and every feature recited in claims 10 and 11. Therefore, Hiyokawa fails to anticipate the subject matter of claims 10 and 11. Accordingly, the rejection of claims 10 and 11 under 35 U.S.C. §103(a) as anticipated by Hiyokawa is improper and should be reversed.

9. Group IX, Claims 12

Group IX, independent claim 12 recites a method of setting parameters in a communication terminal apparatus, comprising storing parameters for each of a plurality of geographical divisions and at least one operation-control program in a first memory location, receiving a selection of a selected geographical division from the plurality of geographical divisions and storing the parameters for the selected geographical division in a second memory location, the parameters for the selected geographical division being read from the first memory location.

Hiyokawa first fails to disclose Applicant's claimed invention because Hiyokawa fails to set parameters for a communication apparatus by receiving a selection of a selected geographical division from a plurality of geographical divisions. Applicants first point out that when parameters are set (i.e., initialized) for a communication apparatus, a memory is set to a starting position or value. Hiyokawa only twice sets the parameters for their navigation device.

Hiyokawa first sets their parameters (1) when the data storage medium 37 is set onto the navigation device, (2) when the power source circuit of the navigation device is closed or (3) when instructed by an user (col. 8, lines 9-17). During this setting of parameters, navigation processing programs and programs related to other processings, executed by the CPU 2, are read from the data storage medium 37 and are written into the flash memory 3

and are stored therein (col. 8, lines 1-8). No where in this passage of Hiyokawa is it disclosed to receive a selection of a selected geographical division for their navigation system.

The second setting of parameters for the navigation system occurs during the overall processing of the navigation device. The overall processing of Fig. 6 starts upon completing the power source circuit and ends when the power source circuit is shut off (col. 10, lines 29-36). During the overall processing, initialization processing only occurs once at step 55 (Fig. 6). During the initialization processing, the program for navigation is read from the data storage medium 37 and copied onto the flash memory 3 and the RAM 4. Hiyokawa fails to disclose also copying parameters for a geographical division or receiving a selection of a selected geographical division for a geographical division. In fact, Hiyokawa removes any present geographical data (col. 10, lines 40-42, wherein data in the RAMs is cleared by the CPU 2).

Hiyokawa fails to disclose any other setting of parameters based on a geographical division because Hiyokawa fails to reset the flash memory 3, RAM 4 or any other memory to a starting position or value. As disclosed in Fig. 6, the remaining processes, steps 50-54, are cyclically performed in order to navigate the vehicle to a desired destination. During this navigation operation, specific geographic data is transferred to the flash memory 3 or the RAM 4 in order to display a guide route. The types of data transferred is discussed in col. 8, lines 18-38 and how this data is processed in order to provide a guide route is discussed starting at col. 10, line 47 until the end of Hiyokawa.

As alleged by the Examiner on page 3 of the Advisory Action, parameters are set for a navigations system in col. 12, lines 34-43 of Hiyokawa when a new destination is set and the processes are executed to search a new guide route. However, the processing cited by the Examiner occurs in step 51 after the parameters for the navigation system have been set. The

destination-setting processing step 51 does not perform initialization processing because the flash memory 3 and the RAM 4 are not set to a new starting position or value. Even if the flash memory 3 and RAM 4 was reset at step 51 to a new starting position or value, the present position of the vehicle determined in step 50 would be erased in order to reset the flash memory 3 and RAM 4 to a new starting position or value. As such, the processing steps 52-54 could not be performed, and thus skipped, because the present position of the vehicle has been erased. It is neither disclosed, nor is there any logical reason in Hiyokawa to use processing step 51 to set the parameters for their navigation system, or the other processing steps 50 and 52-54.

As alleged by the Examiner on page 3 of the Advisory Action, Hiyokawa teaches that the control device sets the parameters for a navigation system on the basis of parameters for a selected geographical division on col. 8, lines 18-30. However, col. 8, lines 18-30 only illustrates the types of programs and data that are transferred from the data storage medium 37 to the flash memory 3 and the RAM 4. Col. 8, lines 18-30 fails to disclose when the programs and data are transferred.

Logically, Hiyokawa also fails to set the parameters for a navigation system on the basis of parameters for a selected geographical division. For the first setting of parameters for the navigation system of Hiyokawa, navigation processing programs are read from the data storage medium (col. 8, lines 1-8). Assumingly, as broadly interpreted, Hiyokawa stores a plurality of geographical divisions in the data storage medium. However, Hiyokawa fails to select a particular geographical division. Naturally, Hiyokawa fails to disclose storing navigation processing programs in the flash memory 3 based on a geographical division selected from a plurality of geographical divisions.

Similarly, during the second setting of parameters for the navigation system in step 55 of Fig. 6, Hiyokawa fails to disclose selecting a geographical division from a plurality of

geographical divisions. Hiyokawa only disclose starting the overall processing of Fig. 6 upon completing the power source circuit. Furthermore, Hiyokawa can not set parameters based on a selected geographical division during the initialization processing of step 55 because the location of the vehicle is not known until after performing the present position processing of step 50 and the user does not select a destination until the destination-setting processing of step 51. Logically, Hiyokawa further fails to disclose setting the parameters for a navigation system or a communication apparatus on the basis of parameters for a selected geographical division, the parameters for the selected geographical division being read from the first memory.

Hiyokawa assumingly understands that their navigation system can be used in a plurality of geographical divisions. Understanding this, Hiyokawa fails to provide any disclosure with regard to compensating for different parameters that exists in different geographical divisions. Therefore, Hiyokawa teaches away from initializing based on parameters for a selected geographical division.

Finally, Hiyokawa's invention is primarily directed to performing a navigation operation after performing initialization processing. Conversely, claim 12 is directed to setting parameters which is performed before a communication terminal apparatus operates (i.e., before reading, transmitting, receiving and recording). As such, Hiyokawa fails to disclose claim 12 because Hiyokawa is only concerned with an operation that occurs after claim 12.

There is no disclosure, and thus there is not basis to assert that Hiyokawa anticipates the features of claim 1 when Hiyokawa (1) fails to set parameters based on a geographical division, (2) fails to select a geographical division from a plurality of geographical divisions, (3) fails to disclose that different parameters can be used for different geographical divisions, and (4) is primarily concerned with an operation that occurs after parameters have been set.

Thus, Hiyokawa fails to disclose each and every feature recited in claim 12.

Therefore, Hiyokawa fails to anticipate the subject matter of claim 12. Accordingly, the rejection of claim 12 under 35 U.S.C. §103(a) as anticipated by Hiyokawa is improper and should be reversed.

10. Group X, Claim 13

Group X, claim 13 recites the method of setting parameters of claim 12, wherein the parameters for each of a plurality of geographical divisions include at least one of a geographical division-specific parameter and a non-geographical division-specific parameter for each of the plurality of geographical divisions.

As discussed above in paragraph VI. B. 9., Hiyokawa fails to disclose a method of setting parameters by receiving a selection of a selected geographical division from a plurality of geographical divisions and storing the parameters for the selected geographical division in a second memory location.

Hiyokawa also fails to disclose that each of the plurality of geographical divisions include a geographical division-specific parameter and a non-geographical division-specific parameter. Hiyokawa arguably discloses a geographical division-specific parameter for each of their geographical divisions as each geographical division has a unique set of parameters. However, Hiyokawa does not include a non-geographical division-specific parameter for each geographical divisions. In other words, Hiyokawa only uses one processing program that is used for each of the geographical divisions. However, Hiyokawa fails to disclose repeatedly storing their processing program or storing their processing program for each of a plurality of geographical divisions. Hiyokawa thus fails to disclose a geographical division-specific parameter and a non-geographical division-specific parameter for each of the plurality of geographical divisions.

Thus, Hiyokawa fails to disclose each and every feature recited in claim 13. Therefore, Hiyokawa fails to anticipate the subject matter of claim 13. Accordingly, the rejection of claim 13 under 35 U.S.C. §103(a) as anticipated by Hiyokawa is improper and should be reversed.

11. Group XI, Claims 14 and 15

Group XI, claim 14 recites the method of setting parameters of claim 13, wherein if no geographical division-specific parameter has been stored in the second memory location, at least one of a geographical division-specific parameter regarding the selected geographical division and a non-geographical division-specific parameter regarding the selected geographical division is read from the first memory location and stored in the second memory location. Group XII, claim 15 recites the method of setting parameters of claim 13, wherein if at least one geographical division-specific parameter regarding a first geographical division has already been stored in the second memory location and a second geographical division is selected, at least one geographical division-specific parameter regarding the selected second geographical division is read from the first memory location and is stored in the second memory location.

As discussed above in paragraph VI. B. 9., Hiyokawa fails to disclose a method of setting parameters by receiving a selection of a selected geographical division from a plurality of geographical divisions and storing the parameters for the selected geographical division in a second memory location. Also, as discussed above in paragraph VI. B. 10., Hiyokawa fails to discloses including at least one of a geographical division-specific parameter and a non-geographical division-specific parameter for each of the plurality of geographical divisions.

Logically, Hiyokawa also fails to disclose determining if at least one geographical division-specific parameter regarding a first geographical division has already been stored in the second memory.

In the first initialization of Hiyokawa, the navigation processing programs are read from the data storage medium 37 and stored in the flash memory 3 (col. 8, lines 1-8). During the second initialization, the program for navigation is read from the data storage medium 37 and copied into the flash memory 3 or the RAM 4 (col. 10, lines 37-42). Nowhere in Hiyokawa is it disclosed, during initialization, to decide whether a particular parameter has been read from the data storage medium 37 and stored or copied into the flash memory 3 or the RAM 4. Naturally, nowhere is it disclosed in Hiyokawa to determine whether a geographical division-specific parameter and/or a non-geographical division-specific parameter should be stored or copied.

Thus, Hiyokawa fails to disclose each and every feature recited in claims 14 and 15. Therefore, Hiyokawa fails to anticipate the subject matter of claims 14 and 15. Accordingly, the rejection of claims 14 and 15 under 35 U.S.C. §103(a) as anticipated by Hiyokawa is improper and should be reversed.

12. Group XII, Claim 16

Group XII, claim 16 recites the method of setting parameters of claim 12, further comprising receiving a command to rewrite parameters stored in the second memory location, the parameters including a geographical division code.

As discussed above in paragraph VI. B. 9., Hiyokawa fails to disclose a method of setting parameters by receiving a selection of a selected geographical division from a plurality of geographical divisions and storing the parameters for the selected geographical division in a second memory location.

Thus, Hiyokawa fails to disclose each and every feature recited in claim 16. Therefore, Hiyokawa fails to anticipate the subject matter of claim 16. Accordingly, the rejection of claim 16 under 35 U.S.C. §103(a) as anticipated by Hiyokawa is improper and should be reversed.

13. Group XIII, Claim 17

Group XIII, independent claim 17 recites a method of setting parameters in a communication terminal apparatus, comprising storing a plurality of specifications and at least one operation-control program in a first memory location, selecting a selected specification from the plurality of specifications in the first memory location, storing the selected specification in a second memory location, determining whether the specification stored in the second memory location is a predetermined specification and starting a main program if the specification stored in the second memory location is the predetermined specification.

Hiyokawa first fails to make a determination with respect to a specification before their main program starts. Hiyokawa is directed to a navigation device that determines an advantageous route (Abstract). In order to determine the advantageous route, Hiyokawa performs the overall processing of Fig. 6. The overall processing in Fig. 6 is thus the main program because the overall processing is used to achieve Hiyokawa's primary purpose in determining their advantages route.

Prior to performing the overall processing of Fig. 6, programs related to the overall processing are initially read from the data storage medium 37 and are written into the flash memory 3 (col. 8, lines 1-8). The programs are read from the data storage medium 37 (1) when the data storage medium 37 is set onto the navigation device, (2) when the power source circuit of the navigation device is closed or (3) when instructed by a user. In reading the programs, Hiyokawa fails to disclose any selecting of a particular program from a

plurality of processing programs. Hiyokawa fails to disclose selecting a particular program because Hiyokawa only discloses one overall process for determining an advantageous route. Logically, Hiyokawa also fails to disclose determining if the processing program is a predetermined processing program or to control a start of a main program because Hiyokawa only discloses one program for determining an advantageous route.

Arguably, step 55 of the overall processing of Fig. 6 may be considered before the start of the main program because the primary purpose in determining the advantages route is performed in steps 50-54, which are cyclically performed. However, again, the initialization processing of step 55 only reads a program for navigation from the data storage medium 37 and copies the program into the flash memory 3 or the RAM 4. Again, Hiyokawa does not disclose a plurality of programs for navigation, selecting a predetermined program for navigation from a plurality of programs or controlling the start of a main program based on the selection of a predetermined specification because Hiyokawa only discloses one program for navigation.

Furthermore, the Examiner admits in his Advisory Action that steps 50-54 of Hiyokawa are the main program and that a determination is made after the main program starts. In particular, on page 4 of the Advisory Action, the Examiner asserts that Hiyokawa's CPU 2 performs a control such that a main program starts (as shown in Figs. 6 and 7 and as discussed on col. 11, line 12- col. 12, line 43) if the CPU 2 determines that the specification stored in the flash memory 3 or RAM 4 is the predetermined specification (as discussed in col. 12, line 34 - col. 13, line 54). Using this logic, the CPU 2 determines that the specification stored in the flash memory 3 or RAM 4 is the predetermined specification beginning at col. 12, line 34 with step 52. Also, the main program is started beginning at col. 11, line 12 with step 51. As such, a determination is not made with regard to the predetermined specification before the main program starts at step 51 but after the main

program starts at step 52. With this reasoning by the Examiner, Hiyokawa discloses the opposite of claim 17.

Col. 11, line 12 - col. 12, line 16 of Hiyokawa fails to make a determination as to whether a predetermined specification has been stored in order to cyclically proceed in steps 50-54. In step 50, for example, geographical coordinates of a destination desired by the user are set (col. 11, lines 12-15). However, as long as there are geographical coordinates, the operation proceeds to step 51. In other words, Hiyokawa only discloses that any coordinate is required and not a predetermined coordinate. This similar reasoning also applies to step 52 where the most suitable route is selected based on the position of the vehicle at that time, step 53 where any display of the guide route is selected based on the position of the vehicle at that time and step 54 where various user specified processing is performed. In these steps, any variable will allow the operation to proceed to any additional step and thus a determination as to whether a predetermined specification has been stored is not required.

Finally, Hiyokawa's invention is primarily directed to performing a navigation operation after a program has been input into the flash memory 3. Conversely, claim 17 is directed to selecting a predetermining specification before a communication terminal apparatus operates. As such, Hiyokawa fails to disclose claim 17 because Hiyokawa is only concerned with an operation that occurs after claim 17.

There is no disclosure, and thus there is no basis to assert that Hiyokawa anticipates the features of claim 17 when Hiyokawa (1) fails to select a specification before starting a main program, (2) fails to determine if the selected specification stored is the predetermined specification before starting the main program, and (3) is primarily concerned with an operation that occurs after selecting a predetermined specification.

Thus, Hiyokawa fails to disclose each and every feature recited in claim 17. Therefore, Hiyokawa fails to anticipate the subject matter of claim 17. Accordingly, the

rejection of claim 17 under 35 U.S.C. §103(a) as anticipated by Hiyokawa is improper and should be reversed.

14. Group XIV, Claim 18

Group XIV, claim 18 recites the method of setting parameters of claim 17, wherein the specifications include at least one parameter regarding a communication in a geographical division.

As discussed above in paragraph VI. B. 13., Hiyokawa fails to disclose the steps of determining whether the specification stored in the second memory location is a predetermined specification and starting a main program if the specification stored in the second memory location is the predetermined specification.

Hiyokawa also fails to require that the specification include at least one parameter regarding a communication in a geographical division. Hiyokawa is directed to a navigational device that searches for an advantageous route. In searching for the advantageous route, data relating to the presentation of the map to be displayed to the user is obtained. Hiyokawa fails to disclose that the data relating to the presentation of the map also include data regarding a communication because Hiyokawa is not concerned with the sending or receiving of communication signals. Logically, Hiyokawa also fails to disclose requiring a predetermined communication signal in order to start their main program.

Thus, Hiyokawa fails to disclose each and every feature recited in claim 18. Therefore, Hiyokawa fails to anticipate the subject matter of claim 18. Accordingly, the rejection of claim 18 under 35 U.S.C. §103(a) as anticipated by Hiyokawa is improper and should be reversed.

15. Group XV, Claim 19

Group XV, claim 19 recites the method of setting parameters of claim 17, wherein the main program operates on the basis of the specification stored in the second memory location.

As discussed above in paragraph VI. B. 13., Hiyokawa fails to disclose the steps of determining whether the specification stored in the second memory location is a predetermined specification and starting a main program if the specification stored in the second memory location is the predetermined specification.

Thus, Hiyokawa fails to disclose each and every feature recited in claim 19. Therefore, Hiyokawa fails to anticipate the subject matter of claim 19. Accordingly, the rejection of claim 19 under 35 U.S.C. §103(a) as anticipated by Hiyokawa is improper and should be reversed.

16. Group XVI, Claim 20

Group XVI, claim 20 recites the method of setting parameters of claim 17, further comprising outputting a parameter of the specification stored in the second memory location.

As discussed above in paragraph VI. B. 13., Hiyokawa fails to disclose the steps of determining whether the specification stored in the second memory location is a predetermined specification and starting a main program if the specification stored in the second memory location is the predetermined specification.

Thus, Hiyokawa fails to disclose each and every feature recited in claim 20. Therefore, Hiyokawa fails to anticipate the subject matter of claim 20. Accordingly, the rejection of claim 20 under 35 U.S.C. §103(a) as anticipated by Hiyokawa is improper and should be reversed.

17. Group XVII, Claims 21-24

Group XVII, claim 21 recites the communication terminal apparatus of claim 2, claim 22 recites the communication terminal apparatus of claim 8, claim 23 recites the method of setting parameters of claim 13, and claim 24 recites the method of setting parameters of claim 18, wherein the at least one geographical division-specific parameter is a parameter regarding communication standards adopted in a geographical division.

As discussed above in paragraphs VI. B. 2, 6, 10 and 14, Hiyokawa fails to disclose the communication terminal apparatus or method of claims 2, 8, 13 and 18. Hiyokawa only discloses a navigation system which is used to obtain an advantageous route. Hiyokawa fails to disclose using a particular communication standard or any adopted communication standards.

Thus, Hiyokawa fails to disclose each and every feature recited in claims 21-24. Therefore, Hiyokawa fails to anticipate the subject matter of claims 21-24. Accordingly, the rejection of claims 21-24 under 35 U.S.C. §103(a) as anticipated by Hiyokawa is improper and should be reversed.

VII. CONCLUSION

For at least the reasons discussed above, it is respectfully submitted that claim 1-24 are not anticipated by Hiyokawa. Thus, claims 1-24 are patentable over the applied reference. Applicants respectfully request this Honorable Board reverse the rejection of the claims and return the application to the Examiner to pass this case to issue.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:SMS/sxb

Enclosure:

Appendix of Claims

Date: June 24, 2003

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

APPENDIX - CLAIMS

CLAIMS:

1. A communication terminal apparatus comprising:
 - a first memory that stores parameters for each of a plurality of geographical divisions and at least one operation-control program;
 - a second memory; and
 - a control device that initializes the second memory on the basis of parameters for a selected geographical division, the parameters for the selected geographical division being read from the first memory.
2. The communication terminal apparatus according to claim 1, wherein the parameters for each of a plurality of geographical divisions include at least one of a geographical division-specific parameter and a non-geographical division-specific parameter for each of the plurality of geographical divisions.
3. The communication terminal apparatus according to claim 2, wherein if no geographical division-specific parameter has been stored in the second memory, the control device reads at least one of a geographical division-specific parameter regarding the selected geographical division and a non-geographical division-specific parameter regarding the selected geographical division, from the first memory, and stores the at least one of a geographical division-specific parameter and the non-geographical division-specific parameter into the second memory.
4. The communication terminal apparatus according to claim 2, wherein if at least one geographical division-specific parameter regarding a first geographical division has already been stored in the second memory and a second geographical division is selected, the control device reads at least one geographical division-specific parameter regarding the

selected second geographical division from the first memory, and stores the at least one geographical division-specific parameter into the second memory.

5. The communication terminal apparatus according to claim 1, further comprising an input device that allows a user to rewrite parameters stored in the second memory, the parameters including a geographical division code.

6. The communication terminal apparatus according to claim 1, wherein the first memory is a read-only non-volatile memory and the second memory is a rewritable non-volatile memory.

7. A communication terminal apparatus comprising:

a first specification storing device into which a plurality of specifications and at least one operation-control program are pre-stored;

a selector device that selects a selected specification from the first specification storing device;

a second specification storing device that stores the specification selected by the selector device;

a determining device that determines whether the specification stored in the second specification storing device is a predetermined specification; and

a control device that performs a control such that a main program starts, if the determining device determines that the specification stored in the second specification storing device is the predetermined specification.

8. The communication terminal apparatus according to claim 7, wherein the specifications include at least one parameter regarding a communication in a geographical division.

9. The communication terminal apparatus according to claim 7, wherein the main program operates on the basis of the specification stored in the second specification storing device.

10. The communication terminal apparatus according to claim 7, further comprising an output device that outputs a parameter of the specification stored in the second specification storing device.

11. The communication terminal apparatus according to claim 7, wherein the first specification storing device includes a read-only non-volatile memory, and the second specification storing device includes a re-writable non-volatile memory.

12. A method of setting parameters in a communication terminal apparatus, comprising:

storing parameters for each of a plurality of geographical divisions and at least one operation-control program in a first memory location;

receiving a selection of a selected geographical division from the plurality of geographical divisions;

storing the parameters for the selected geographical division in a second memory location, the parameters for the selected geographical division being read from the first memory location.

13. The method of claim 12, wherein the parameters for each of a plurality of geographical divisions include at least one of a geographical division-specific parameter and a non-geographical division-specific parameter for each of the plurality of geographical divisions.

14. The method of claim 13, wherein if no geographical division-specific parameter has been stored in the second memory location, at least one of a geographical division-specific parameter regarding the selected geographical division and a non-

geographical division-specific parameter regarding the selected geographical division is read from the first memory location and stored in the second memory location.

15. The method of claim 13, wherein if at least one geographical division-specific parameter regarding a first geographical division has already been stored in the second memory location and a second geographical division is selected, at least one geographical division-specific parameter regarding the selected second geographical division is read from the first memory location and is stored in the second memory location.

16. The method of claim 12, further comprising:
receiving a command to rewrite parameters stored in the second memory location, the parameters including a geographical division code.

17. A method of setting parameters in a communication terminal apparatus, comprising:

storing a plurality of specifications and at least one operation-control program in a first memory location;

selecting a selected specification from the plurality of specifications in the first memory location;

storing the selected specification in a second memory location;
determining whether the specification stored in the second memory location is a predetermined specification; and

starting a main program if the specification stored in the second memory location is the predetermined specification.

18. The method of claim 17, wherein the specifications include at least one parameter regarding a communication in a geographical division.

19. The method of claim 17 wherein the main program operates on the basis of the specification stored in the second memory location.

20. The method of claim 17, further comprising outputting a parameter of the specification stored in the second memory location.

21. The communication terminal apparatus according to claim 2, wherein the at least one geographical division-specific parameter is a parameter regarding communication standards adopted in a geographical division.

22. The communication terminal apparatus according to claim 8, wherein the at least one parameter regarding a communication in a geographical division is a parameter regarding communication standards adopted in a geographical division.

23. The method of claim 13, wherein the at least one of the geographical division-specific parameter is a parameter regarding communication standards adopted in a geographical division.

24. The method of claim 18, wherein the at least one parameter regarding the communication in a geographical division is regarding communication standards adopted in a geographical division.